

The Georgia Government Transparency and Campaign Finance Commission (the "Commission") has received the following request for advisory opinion from the Georgia Municipal Association (Request No. 2014-01).

Question Presented – No. 2014-01

Whether a state-level lobbyist is required to disclose spending on local elected officials if the state-lobbyist is not also registered as a local lobbyist.

Advisory Opinion

The Georgia Government Transparency and Campaign Finance Act (the "Act") provides that

Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section....

See O.C.G.A. § 21-5-73(a).

A person is deemed a "lobbyist" under the Act in a number of alternative situations. *See* O.C.G.A. § 21-5-70(5). A "lobbyist" is, among other things, a person who is compensated for undertaking to promote or oppose passage of legislation by the General Assembly or veto by the Governor, to promote or oppose passage of any ordinance or resolution by a public office or any state agency, to undertake influencing a public officer or state agency in the selection of vendors, or to promote or oppose the passage of any ordinance or resolution by any elected county, municipal or board of education official/member. *Id.*

The Commission recognizes four levels of registration for lobbyists – state, state agency, local, and vendor. Lobbyists are required to register at any level at which they make expenditures. *See* O.C.G.A. §§ 21-5-70; 21-5-71; and, 21-5-73. The reporting requirements are not the same for each level. *Id.* If a lobbyist expends money within a certain level, the lobbyist must register as a lobbyist at that level and disclose those lobbying expenditures. Thus, it is possible that a lobbyist would be required to register and report with the Commission at different levels. However, the Commission recognizes that some state-level lobbyists represent organizations that are composed of local public official members.

Accordingly, the Commission finds that if a person who is registered as a state-level lobbyist spends money on her organization's local public official members for non-lobbying purposes, then the state-level lobbyist is not required to register or file reports as a local level lobbyist. *See* O.C.G.A. § 21-5-70(1). However, if a person is a state-level lobbyist and expends money on local elected officials to influence legislation, regulations, rules, or the purchase of goods or services at the local level, that lobbyist must register both as a state and local lobbyist and disclose any such spending per the requirements and scheduling provided in the Act.

Prepared by Jonathan Hawkins.
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